

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1, 7 and 8 have been amended for clarity.

In the Final Office Action mailed May 28, 2009, the Examiner has rejected claims 1, 2 and 4-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,838,314 to Neel et al. The Examiner has further rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Neel et al. in view of U.S. Patent 6,006,257 to Slezak.

The Neel et al. patent discloses a digital video services system with optional interactive advertisement capabilities, in which in response to a user's selection, a video movie is provided to the user without advertisements at a prescribed cost, or the video movie is provided to the user with at least one interactive advertisement at no cost.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 1, includes the steps "generating an information signal consisting essentially of control information and an input broadcast program comprising at least one particular event" and "transmitting said information signal to each user". The Examiner has indicated that Neel et al. discloses these steps "(Figure 1, 116, Figure 1, 112, 116, Column 7, lines 35-45, Column 9, lines 4-15, 18-20)", "(Column 14, lines 56-64, Column 17, lines 35-50, Figure 7a)", "(Column 17, lines 35-50)" and "(Column 17, lines 45-50, Figure 1, 116)".

Applicants submit that the Examiner is mistaken. In particular, Fig. 1, 112 and 116, and col. 7, lines 35-45 merely describes a video services system where a plurality of VRUs (identified in the description at col. 7, lines 22-40 as integrated receiver decoders (IRDs) 112 are coupled to a distribution network 116 for selectively providing video programming. Col. 9, lines 4-15 merely state that the system control computer 118 is able to selectively transmit commands to each room terminal 120 to tune to a specific channel, or may send an audio/video or graphic signal instructing the user to tune the TV 122 to the specific channel, and that the system control computer 118 processes billing information. At col. 9, lines 18-20, it is described that the system control computer 118 transmits commands to the video server 114 and the room terminal designating a channel frequency for the selected program. It should be noted that these commands are separate and distinct from the input broadcast program and are not

included together with the input broadcast program in an information signal to be sent to all users.

Neel et al., at col. 14, lines 56-64, describes graphics that may be sent to the room terminal 120 by the system control computer 118 describing a pay or free alternative for viewing a video program, while at col. 17, lines 35-50, Neel et al. describes in detail how the graphics are sent to the room terminal for selecting the appropriate option. Then, depending on the user's selection, the appropriate video program is sent (transmitted) to the particular room terminal/user.

From the above, it should be clear that Neel et al. does not show or suggest "generating an information signal consisting essentially of control information and an input broadcast program comprising at least one particular event" and "transmitting said information signal to each user".

Claim 1 further includes the limitations "the user making a choice of subscription using a device comprising means for effecting said choice, said device further comprising means for selecting" and "validating the users choice of subscription and configuring said means for selecting to be responsive to said control information in dependence on said subscription choice" and "wherein said means for selecting operates on the input broadcast program comprising at least one particular event in dependence on the control information to selectively provide an output broadcast program, the particular event being included or not included in the

output broadcast program according to the chosen subscription in accordance with said control information."

Applicants submit that Neel et al. merely discloses the device comprising means for effecting said choice (i.e., the remote control enabling the user to, for example, press the "1" button to indicate that the user will pay for the video programming without advertisements, or press the "9" button to indicate that the user will accept the video program with the advertisements. However, there is no showing or suggestion of the device further comprising means for selecting, that the means for selecting are configured by the service provider, and that the means for selecting uses the control signals transmitted with the input broadcast program to generate an output broadcast program without the particular event (e.g., commercial).

The Slezak patent discloses a multimedia architecture for interactive advertising in which secondary programming is varied based upon viewer demographics and content of primary programming, in which a user sends signals back to the service provider to affect the delivery of a streamed video program, thus enabling a fast-forward function or rewind function. However, there is no disclosure of the user device being capable of performing accelerated reading of a recorded program, and that this capability is selectively deactivated by the service provider during said particular event.

Further, Applicants submit that Slezak does not supply that which is missing from Neel et al., as described above.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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